



***Town of Tyngsborough  
Conservation Commission***

25 Bryants Lane  
Tyngsborough, Massachusetts 01879-1003  
Office: (978) 649-2300 ext. 116  
Fax: (978) 649-2301

Minutes  
April 24, 2012  
**APPROVED**

**Present:**

**BM:** Brian Martin      **JE:** Jerry Earl      **JK:** Jeff Kablik      **ES:** Ed Smith      **JN:** John Nappi  
**MM:** Matt Marro      **PB:** Pamela Berman

**Absent:**

**LB:** Linda Bown      **LG:** Lucy Gertz

**Attachments:**

1. Agenda
2. 10 Richards Circle RDA Application – 4/4/12
3. 17 Apollo Dr. Wetland Violation Letter & Site Inspection Checklist – 4/6/12
4. 25 Bowers Ave. Site Inspection Checklist – 4/13/12

**7:00pm**      BM opened meeting

**7:02pm**      **10 Richards Circle (M8, P63, L20) – Request for Determination of Applicability** for the proposed construction of a 19' x 37' inground swimming pool, with a concrete patio, fencing and retaining wall.

**JK:** Motion to waive the reading of the abutters list and legal notice.

**JE:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes: 5-0-2**

Homeowner Ken Brown and Ed Snyder of Snyder Pools appeared before the Commission regarding the above project. The lands slopes to an existing stone wall and they are proposing to re-grade and clear up to the buffer zone, but not into it. The pool will be placed about 70 feet from the buffer zone and 30 feet from the leach field. The Board of Health has already approved their variance for the work. Mr. Snyder explained that about 3 trees would be removed to make way for the pool. MM reviewed the project and said that there would be no impact to the wetlands, and therefore, recommends a negative determination. ES suggested that straw wattles be used for erosion control instead of hay bales. There were no abutters present to speak on this project.

**ES:** Motion to close the hearing.

**JN:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes: 5-0-2**

**ES:** Motion to issue a Negative Determination for 10 Richards Circle.

**JN:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes: 5-0-2**

**7:30pm 17 Apollo Dr. (M25, P15, L3) – Wetland Violation** consisting of tree clearing within the 100 foot buffer zone without a valid Order of Conditions or Negative Determination of Applicability or Ch. 132A approved forest cutting plan.

Homeowner Evangelous Gioumbakis appeared before the Commission to answer to this violation. The homeowner explained that there was a lot of October storm damage that they were removing and didn't realize that they were in violation. She went on to say that they would not be removing any stumps and only chipping the brush and will replant. MM recommended allowing them to continue the work and submit photos to the Commission when the work is completed.

**JE:** Motion to allow them to continue working and send photos to the Commission when finished.

**JN:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes: 5-0-2**

#### **Director's Determinations:**

##### **11 Wyoming Rd. – Shed**

MM reported that this was an issue that just came to light this morning. The homeowner wishes to construct a 12' x 24' shed on cinder blocks. There would be no impact to the wetlands.

**JK:** Motion to approve the Director's Determination for 11 Wyoming Rd.

**JN:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes: 5-0-2**

#### **Director's Reports**

##### **25 Bowers Ave. – Site Investigation**

ES reported that a Bobcat excavating machine was working in the lake. MM investigated the site and noted that the homeowner wanted to repair an existing retaining wall and didn't realize she was in violation. MM said that she will need to file an RDA with the Commission, which she has begun to do.

## **Discussion**

### **Sherburne Nature Center Boardwalk Project Update**

MM said that the Town Administrator is still working on the bid package.

### **422 Middlesex Rd. Olive Garden Update**

MM reported that they are still waiting for the new septic system design plans.

## **Administrative:**

The minutes were not ready for approval.

**7:35pm**

**JE:** Motion to adjourn

**ES:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes: 5-0-2**

Respectfully for the Conservation Commission,

Pamela Berman  
Administrative Assistant